

## **Public Hearing**

Modification of the current permit parking restrictions  
along both sides of the southwest portion of the  
5500 block of Montgomery Street.

## **CHEVY CHASE VILLAGE NOTICE OF PUBLIC HEARING**

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Monday, October 11, 2010 at 7:30 p.m.

The Chevy Chase Village Board of Managers will hold a public hearing at 7:30 p.m. on Monday, October 11, 2010 at the Chevy Chase Village Hall at 5906 Connecticut Avenue, Chevy Chase, Maryland 20815, to consider modifying the parking restrictions which currently allow permit-holders only at all times on both sides of the street in the 5500 block of Montgomery Street between 5500 and 5506 on the even side of the street and between 5501 and 5509 on the odd side of the street.

The Board has received a recommendation from the ad hoc Permit Parking Committee asserting that the restrictions approved by the Board on June 16, 2008 have contributed to the extensive use of the southwest portion of neighboring streets for parking by non-resident vehicles on weekdays, at night and on weekends, which results in hazardous traffic conditions, the overburdening of streets, and difficulty for residents in obtaining adequate parking adjacent to or close by their residences, and other consequences which detrimentally affect the health, safety and welfare of residents on the neighboring streets.

Additional information regarding the request may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at [www.chevychasevillagemd.gov](http://www.chevychasevillagemd.gov) or you may contact the office for this information to be mailed to you.

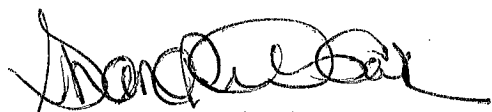
This notice was mailed to abutting property owners on the 28<sup>th</sup> day of September, 2010.

**Chevy Chase Village Office  
5906 Connecticut Avenue  
Chevy Chase, Maryland 20815  
301-654-7300**

**MAILING LIST FOR THE PERMIT PARKING AMENDMENT FOR THE  
SOUTHWEST PORTION OF THE 5500 BLOCK OF MONTGOMERY STREET  
(FROM BELMONT AVENUE TO THE NORTHEAST PROPERTY LINES  
EXTENDED OF 5509 AND 5506 MONTGOMERY STREET)**

<b>Affected residents:</b>	
Mr. and Mrs. Greg Dixon Or Current Resident 5500 Montgomery Street Chevy Chase, MD 20815	Mr. Anthony Pajunas Ms. Allison B. Conrad Or Current Resident 5501 Montgomery Street Chevy Chase, MD 20815
Mr. Yannis Halikias Ms. Michaelle Chua Or Current Resident 5502 Montgomery Street Chevy Chase, MD 20815	Mr. and Mrs. Peter B. Clark Or Current Resident 5503 Montgomery Street Chevy Chase, MD 20815
Mr. Carl S. Guiffrida Or Current Resident 5504 Montgomery Street Chevy Chase, MD 20815	Mr. and Mrs. Tomas J. Silber Or Current Resident 5505 Montgomery Street Chevy Chase, MD 20815
Mr. Bogdan Srdanovic Ms. Jelena Pantelic Or Current Resident 5506 Montgomery Street Chevy Chase, MD 20815	Mr. Christopher S. Bruun Ms. Emily B. Miller Or Current Resident 5507 Montgomery Street Chevy Chase, MD 20815
Mr. Alan D. Strasser Ms. Patricia Hartge Or Current Resident 5508 Montgomery Street Chevy Chase, MD 20815	Ms. Betty M. Tubbs Or Current Resident 5509 Montgomery Street Chevy Chase, MD 20815
Mr. George T. Scharffenberger Ms. Sarah K. Fry Or Current Resident 5510 Montgomery Street Chevy Chase, MD 20815	Mr. and Mrs. Malcolm A. Martin Or Current Resident 5511 Montgomery Street Chevy Chase, MD 20815
Mr. and Mrs. Joseph A. Micallef Or Current Resident 5512 Montgomery Street Chevy Chase, MD 20815	Mr. and Mrs. Sidney Shapiro Or Current Resident 5513 Montgomery Street Chevy Chase, MD 20815
Mr. Harry F. Hopper, Jr. Or Current Resident 5515 Montgomery Street Chevy Chase, MD 20815	

I hereby certify that a public notice was mailed to the aforementioned property owners on the 28<sup>th</sup> day of September, 2010.



**Shana R. Davis-Cook  
Chevy Chase Village  
5906 Connecticut Avenue  
Chevy Chase, MD 20815  
(301) 654-7300**

To: Board of Managers  
Chevy Chase Village

From: Peter Kilborn  
Chair, Ad-Hoc Parking Committee

Subject: Appeal of 5400 Block of Center Street for permit-only parking and provisions of the Village parking ordinance.

The committee met on three occasions to consider the petition from the 5400 Block of Center Street for permit-only parking, a restriction similar to the permit-only parking allowed along the southern half of the 5400 Block of Montgomery Street, the part closest to Friendship Heights. The committee also considered changes in relevant sections of Chapter 14 of the Village Code covering parking regulations, and the role and legitimacy of the five parking zones of the West Village.

The composition, mandate, and participation of a shifting cast of committee participants did not permit the formulation of definitive recommendations regarding some of the questions the committee treated. But a sense of majority views emerged on many.

With respect to the primary issue raised by the board—a petition to limit parking on the 5400 block of Center Street to residents holding permits allowing unlimited parking within the six-block Zone 1—the committee was unanimous in its opposition. This view was consistent with the vast majority of 50-some letters from residents that the board received.

The primary objection concerned the notion of “privatizing” a section of a public street for the exclusive use of nearby neighbors. Objections were also raised because of a lack of evidence supporting assertions of parking congestion there. Finally there was concern that the restriction would lead to a cascade of similar restrictions along other blocks and worsening congestion along unrestricted blocks.

For those reasons, the committee also supported the revocation of the restrictions on Montgomery Street. The restrictions there were seen as setting a precedent that led to the Center Street petition. Thus by revoking the Montgomery Street restrictions and denying them for Center Street, the committee hoped the board would reject all further petitions with similar objectives.

In general the committee also agreed:

1. That the duration and hours of parking restrictions along blocks and in zones adopting them be uniform, with rare exceptions to be determined by the board. That is, the two-hour, 7 AM to 6 PM, Monday-thru-Saturday limitations should remain. Two hours has become a national standard based on an assumption that most errands can be performed

within two hours. There was some discussion of extending the uniform evening hour to 7 PM but no consensus. Along the 5400 block of Grove Street, the one closest to Friendship Heights, some residents contend that congestion occurs in the evening because of parking there by Friendship Heights restaurant workers and suggest that the evening limit be extended to 8 or 9 PM. Before adopting such a change, and to discourage a cascade or similar restrictions on nearby blocks, the board should require a rigorous survey of parking activity there.

2. Most existing exceptions, such as the 20-minute limit along West Lenox Street, which facilitates Post Office parking, should be retained. On the unit block of Grafton Street, a few members felt the four-hour limit, intended to accommodate weekday staff of All Saints' Church and its visitors should be reviewed.
3. It was also agreed that along blocks where parking is unrestricted—entirely in Zone 5, the area between Connecticut Avenue and Cedar Parkway and between Hesketh Street and West Melrose and West Lenox Streets—homeowners should be permitted to petition the board to adopt the two-hour limitation for drivers from outside the zone—or, having adopted it earlier—to revoke it. Some committee members thought a petition signed by two-thirds of the homeowners along a block should be required to adopt or revoke the restriction. Some felt 50 percent was sufficient. In cases of clear opposition to a petition, the board should require a survey of parking activity along the block in question and settle on a level of congestion to trigger or revoke the restriction.
4. Finally, the committee was unable to take up a late-arriving proposal from residents along the western two blocks of Hesketh Street but one that falls within the realm of common sense if perhaps bad precedent. An exceptionally narrow street, parking is permitted only along one side. These residents propose an exception to the Village's required one-directional parking with bi-directional parking. This would allow those arriving from the wrong direction to parks rather than wrenching their cars around.

One issue that the board need not treat is that of the five parking zones. With respect to them, two notions of fairness came into conflict on the committee.

One view held that since all Village households pay taxes to the Village for construction and maintenance of roads, all should have equal parking access to all roads. The other view held that residents of the blocks closest to the Friendship Heights and Wisconsin Avenue commercial areas (parts of Zones 1, 3, and 4) suffer a disproportionate volume of parking by drivers from outside the three zones.

In an informal toll of participants attending the third meeting, six, mostly residents from outside the three zones, supported the first view—that all residents have equal access to all blocks. Four were opposed, and two abstained.

In essence, however, United States Supreme Court has resolved this dispute in favor of households that face disproportionate demand for parking near their homes. In October, 1977, in *Arlington County (VA) Board v. Richards*, the Court considered an Arlington County zoning ordinance (similar to one the Village adopted in 1998), that prohibited commuters from parking in designated residential neighborhoods and provided free parking permits of residents of those neighborhoods. The Court held that the ordinance did not violate the Equal Protection Clause of the Fourteenth Amendment and met the ordinance's objective of reducing adverse consequences of automobile commuting and enhancing the quality of life in residential neighborhoods.

### Documents to follow include:

- The Chevy Chase Village Board of Managers' Resolution No. 06-02-08, approving the current restrictions along the southwest portion of Montgomery Street
- The 2008 petition from residents along the southwest portion of Montgomery Street
- Police Chief Gordon's report on the survey conducted by his staff in response to the residents' petition, pursuant to Section 14-3 (c) of the Village Code

# **BOARD OF MANAGERS**

## **For**

## **Chevy Chase Village, MD**

**Subject:** AN ORDER TO MODIFY THE RESTRICTIONS ON PARKING IN PART OF THE  
5500 BLOCK OF MONTGOMERY STREET PERMIT PARKING AREA

WHEREAS, on January 12, 1998, the Board of Managers of Chevy Chase Village conducted a public hearing regarding a proposal to designate the 5500 block of Montgomery Street as a Permit Parking Area; and

WHEREAS, based upon findings set forth in an Order adopted February 9, 1998, the 5500 block of Montgomery Street was designated as a Permit Parking Area; and

WHEREAS, the residents of the 5500 block petitioned the Board of Managers to expand the hours and days during which parking is restricted to authorized vehicles; and

WHEREAS, on February 8, 1999, the Board of Managers conducted a public hearing regarding the proposal to expand the hours and days during which parking would be restricted to authorized vehicles; and



WHEREAS, on February 8, 1999 the Board of Managers issued an Order restricting parking in the 5500 block of Montgomery Street for more than 2 hours to vehicles displaying valid parking stickers or guest cards issued pursuant to Chapter 14 of the Chevy Chase Village Code, Monday through Saturday from 7:00 a.m. to 6:00 p.m.; and

WHEREAS, the residents of the southwest portion of the 5500 block of Montgomery Street (from Belmont Avenue to the northeast property lines extended of 5509 and 5506 Montgomery Street) have petitioned the Board of Managers to prohibit the parking of vehicles without parking permits or guest cards in the southwest portion of the aforesaid Permit Parking Area at all times; and

WHEREAS, on June 16, 2008, the Board of Managers conducted a public hearing regarding the proposal to prohibit the parking of vehicles without parking permits or guest cards in the southwest portion of the aforesaid Permit Parking Area at all times; and

WHEREAS, proper notice of the aforesaid hearing was duly published in the June edition of the Village Crier on or before June 5, 2008, setting forth the purpose of the hearing, the exact location and boundaries of the Permit Parking Area under consideration and the reasons why the restrictions on parking are proposed to be modified, and such notice was also published in the area under consideration on or before June 5, 2008; and

WHEREAS, based upon the evidence and testimony presented, the Board of Managers, taking into account the criteria set forth in Section 14-3 of the Village Code, finds that:

(1) the 5500 block of Montgomery Street is the Village street nearest the pedestrian entrance to the commercial and retail center of Friendship Heights and the Friendship Heights Metro Station;

(2) there has been intensive use of the 5500 block of Montgomery Street for parking by non-residents who park on the 5500 block of Montgomery Street to use Metro and/or to patronize commercial establishments and offices in the Friendship Heights Central Business District which results in hazardous traffic conditions, the overburdening of the street, and difficulty for residents in obtaining adequate parking adjacent to or close by their residences;

(3) the use of the current permit parking system has only minimally alleviated the problem of non-availability of residential parking spaces on the southwest portion of the 5500 block of Montgomery Street during the hours in which the system is in effect because:

(a) the system permits vehicles without parking permits or guest cards ("non-resident vehicles") to park on the southwest portion of the 5500 block of Montgomery Street for up

to 2 hours, which deprives residents of the use of a space near their residences for up to 2 hours;

(b) frequently, when a non-resident vehicle is moved, shortly thereafter another non-resident vehicle is parked in the same space which results in a series of non-resident vehicles occupying a space on the southwest portion of the 5500 block of Montgomery Street for several hours, thereby preventing residents from parking their vehicles adjacent to or near their residences;

(c) the Village police department does not have the resources to constantly monitor the length of time that a non-resident vehicle is parked on the southwest portion of the 5500 block of Montgomery Street and to immediately issue citations to all non-resident vehicles which are parked for more than 2 hours; and

(d) the use of the southwest portion of the 5500 block of Montgomery Street for parking by non-residents occurs before 7:00 a.m., after 6:00 p.m. and on Sundays;

(4) the redevelopment of the Chevy Chase Center has increased the need and desire for parking by members of the public using Metro and visiting commercial establishments and offices in the Friendship Heights Central Business District;

(5) the increase in the demand for public parking in the Friendship Heights Central Business District has caused visitors

to the Friendship Heights Central Business District to park on the southwest portion of the 5500 block of Montgomery Street when visiting commercial establishments and offices in the Friendship Heights Central Business District;

(6) a survey of the southwest portion of the 5500 block of Montgomery Street taken by Village staff on two separate days, has shown that the average number of non-resident vehicles parked on the southwest portion of the 5500 block of Montgomery Street within the Permit Parking Area, is in excess of 25% of the number of parking spaces on the southwest portion of the 5500 block of Montgomery Street, and the total number of spaces actually occupied by vehicles exceeds 75% of the number of such spaces on the southwest portion of the 5500 block of Montgomery Street;

(7) almost all of the residents of the southwest portion of the 5500 block of Montgomery Street (8 of 9 households) desire that the Board of Managers prohibit the parking of vehicles without parking permits or guest cards in the southwest portion of the aforesaid Permit Parking Area at all times; and

(8) the residents of the southwest portion of the 5500 block of Montgomery Street have contributed to the cost of maintaining the southwest portion of the 5500 block of Montgomery Street through the payment of property and income taxes; and

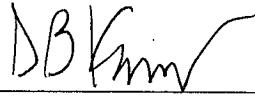
WHEREAS, based upon the foregoing findings, the Board of Managers concludes that prohibiting the parking of vehicles

without parking permits or guest cards on the southwest portion of the 5500 block of Montgomery Street (from Belmont Avenue to the northeast property lines extended of 5506 Montgomery Street and 5509 Montgomery Street) at all times will reduce the difficulty for residents in obtaining parking adjacent to or close by their residences and will promote the public safety, peace, good order, comfort, convenience, health and welfare.

NOW, THEREFORE, the Board of Managers of Chevy Chase Village does hereby adopt the following order:

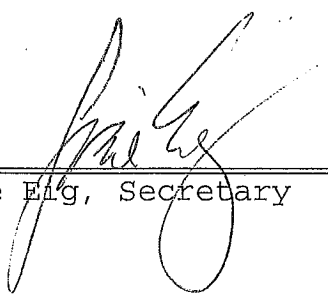
BE IT ORDERED, this 16th day of June, 2008, by the Board of Managers of Chevy Chase Village, Maryland, acting under and by virtue of the authority given it by the Act of Legislature approved March 28, 1951, and acts subsequent thereto, Article 23A of the Maryland Code, the Chevy Chase Village Charter and Chapter 14 of the Chevy Chase Village Code that, with respect to the southwest portion of the Permit Parking Area for the 5500 block of Montgomery Street (from Belmont Avenue to the northeast property lines extended of 5506 and 5509 Montgomery Street), the parking of vehicles in the aforesaid area shall be restricted to vehicles displaying valid parking stickers or guest cards issued pursuant to Chapter 14 of the Chevy Chase Village Code, at all times.

The Village Manager is hereby authorized and directed to  
implement and administer this Order.



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Douglas B. Kamerow, Chairman  
Board of Managers



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Susie Eig, Secretary

Date: June 16, 2008

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## Petition to the Board of Managers of Chevy Chase Village

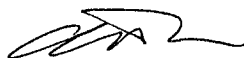
The area of Montgomery Street that borders with the Chevy Chase Center has turned into a parking lot.

Day and night cars are parking and making it difficult for our visitors to park. Worse, they speed along the street as they come and leave, driving without any consideration for the possible presence of the children in the neighborhood. Moreover recent crime in the neighborhood makes us worry about visitors "staking out" the area.

For all of the above reasons, security and quality of life considerations, we the undersigning certify that we are in favor of the establishment of a "Parking by Permit Only" from the buffer area to include the Montgomery Street addresses below.

Respectfully submitted,

5500 Montgomery Street



5501 Montgomery Street



5502 Montgomery Street

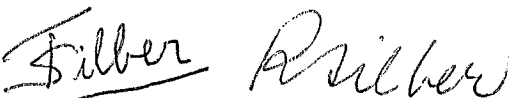


5503 Montgomery Street



5504 Montgomery Street

5505 Montgomery Street



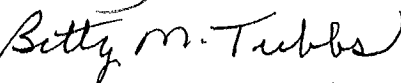
5506 Montgomery Street



5507 Montgomery Street



5509 Montgomery Street



RECEIVED MAY 14 2008

# Memo

To: Village Manager  
From: Chief of Police *AA*  
CC: Board of Managers  
Date: June 2, 2008  
Re: Permit Parking Montgomery Street

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There is a request to modify the hours of permit parking on both sides of the 5500 block of Montgomery Street between 5500 Montgomery Street and 5509 Montgomery Street. The request before the Board is to consider restricting parking by permit only 24 hours a day, 7 days a week on both sides of this section (5500 to 5509) of Montgomery Street.

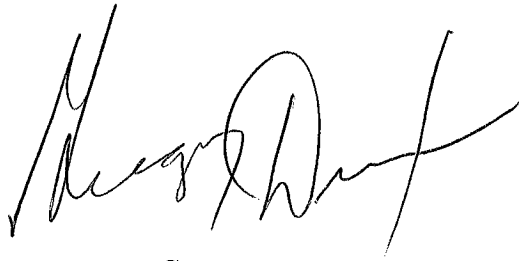
We have surveyed the area on 5/20/08 and again on 05/29/08 and found that the number of nonresident vehicles exceeds 25% of the number of parking spaces and that the total number of spaces actually occupied by vehicles in the 5500 to 5509 section of Montgomery Street exceeds 75% of the number of such spaces in the area.

I recommend, subject to the approval of the Board of Managers, that Permit Parking Only be allowed 24/7 on both sides of Montgomery Street between 5500 and 5509.



Memorandum

To: Shana Davis-Cook, Village Manager



From: Susan and Gregory Dixon, 5500 Montgomery St.

Date: September 22, 2010

Subject: Zoned Parking Considerations for Montgomery St.

As we will be out of town when the next October Village Managers meeting will take place, we are sending you this memo for consideration during the discussion.

We just recently bought this home from Jeffrey and Elissa Thompson but have not moved into it yet pending completion of some painting and other interior projects. As we negotiated in purchasing the property, we had some concerns that this end of the block would be vulnerable to parking abuses by those using the Metro or the extensive shops and restaurants nearby. Our home, 5500 Montgomery St. is the last house on the right of this street which has the "gateway" between CCV and the shops of the Collection. As such, it is the closest area of the village to the Metro. The Thompsons assured us that the zone parking feature was usually, but not always, enough to deter those seeking to camp out for the day.

- 1) This block of Montgomery Street is rather short and all cars and trucks tend to come to the cul de sac beside our home to turn around. This is particularly true of service trucks, landscapers, delivery trucks, etc. as they have to make a wide swing through the cul de sac in order to turn around. It is surprisingly busy for a dead-end street.
- 2) Based on my experience working in the yard, numerous cars come down the street and appear to be looking for parking or an easy access to the shops. They frequently stop and read the Zone 1 Parking sign and then turn around and go back out.
- 3) Landscaping trucks and other service vehicles have to use the rather small amount of space available on the block in order to provide services to the residents.
- 4) Other than guests of the residents on the block, it is difficult to imagine who would need to park here unless they were planning to go to the shops or Metro.

For these reasons, we request that Village Managers keep the zone parking restriction for this end of this block and continue to consider these parking matters on a block-by-block basis.

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Dear Ms Davis- Cook:

We are writing in response to having learned about a possible reverting of the parking by permit only on Montgomery Street, on the portion that is proximal to the Chevy Chase Shopping Center. We read the recommendations made by the ad hoc Committee on Parking chaired by Mr. Peter Kilborn, and noticed that there were many elements that were not considered, which we will address in this letter.

We oppose the recommendations for reasons relating to safety, crime and quality of life. Our concerns, letters and arguments about this were recognized at the time we presented them to the Chevy Chase Village Board, when the current parking system was approved. It is timely therefore to go over them once more:

**Crime:**

*Mayor crime:*

- Prior to our present status there was a home invasion on the 5500 block of Montgomery Street in which one of our neighbors, was assaulted and tied up by the criminal.
- Before that there was an assault with a deadly weapon on our block.
- Before that another neighbor was assaulted on Montgomery Street on her way home from work.
- Before that, when cars used to park evenings and nights, or even for the entire weekend, one such car turned out to be a stolen car abandoned in front of 5500 Montgomery Street.

You may want to verify with Chief Gordon that it is common for this type of crimes to be preceded by the criminal "casing" the area. Indeed, during that time, cars came to park from all over town, thus facilitating the entrance of individuals into our area that have no legitimate reason to be in our neighborhood, especially in view of the abundance of Public Parking at the Chevy Chase Shopping Center. For such individuals the expense of Public Parking may very well have served as a deterrent to exploring our area with bad intentions. We have been safe since the parking restrictions were established. There are no guaranties in life, but at least we should make it harder for delinquents to reach us.

*Minor antisocial behavior:*

Prior to our present status a favorite parking spot for teenagers and young adults was the home currently owned by Mr. and Mrs. Dixon. The previous owner, Mr. Thompson, testified at the "Montgomery Street Hearings" about their loitering, leaving behind trash and beer bottles. None of that has repeated since the new ordinance took effect. Besides the fact that littering is disgusting and unhealthy, the New York City experience has clearly shown that preventing minor transgressions has a preventive effect against mayor transgressions.

**Safety:**

Prior to our present status many of those who used to park on our street section, which communicates with the Chevy Chase Shopping Center, did so because they went there for shopping or they either had a doctor appointment or some other errand on Wisconsin Ave. Hence they were in a hurry to park for free and get to their destination on time. As a result many times drivers rushed in at great speed, making us very worried for the safety of the children playing or running out on our street. While it is of course the responsibility of parents to watch their children, as a pediatrician I can testify that little children can do mad dashes even in spite of the best vigilance. Not only children were in danger: on TWO occasions Rosita Silber, who is blind on one eye, was almost hit by a car rushing in to park. Were she not pulled back by the gardener, with whom she was talking at that time, she would have been either killed or severely

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injured. Following the change to the present status there were no more near misses, as speeding and therefore the potential for accidents was dramatically reduced. We think it is important to keep it that way. As the old saying goes : " never struggle with success".

### **Quality of life:**

When we first moved into Chevy Chase Village with our three little children, more than thirty years ago, our street was a quiet street. Times changed. The problems described above begun to encroach on the quality of life to such extent that as a group of affected neighbors we sought help from the Village. The Village Board responded and it brought peace of mind and definitively improved quality of life, something to be cherished and to be nourished in our troubled times.

We now again need to say no to the unnecessary return to an unpleasant and unsettling recent past. There is a clear antecedent to Village neighbors renouncing a small privilege of the many to enhance the quality of life of a small group of neighbors: approximately thirty years ago we all had to forsake the easy entrance and exit into Wisconsin Ave through Grafton and Oliver in order to satisfy the needs of the neighbors living in the small area affected by the direct traffic shortcut. That spirit of generosity that prevailed at that time was right and we ought to preserve it as a value for all of us living in this community.

Even the Ad hoc Parking Committee report recognized that quality of life was the concept that motivated the US Supreme Court in 1977 to uphold the rights of households that faced disproportionate demand for parking near their houses...our precise situation!

### **Conclusion:**

The parking restriction may be somewhat inconvenient to some Chevy Chase Village neighbors who would like to park closer to Wisconsin Ave. Though we understand and regret the minor inconvenience the parking restriction may pose, we also feel the need to alert our community that the very frequent patrolling of our police, issuing warnings and fines, may have the larger benefit of showing the presence of the law when least expected, and thus discouraging the entry into our neighborhood of those that are prone to doing mischief. Home invasion and assault with a deadly weapon, are no minor matter, nor is their potential overflow to other areas.

We realize that in the current " Tea Party " climate " there is around the nation a move to do away with the legislation passed by " incumbents" and to " eliminate regulations", and while some of this might actually be reasonable, by itself the " movement to undo" can be quite destructive. The truth remains that a thoughtful group of citizens made a well grounded request that was approved by the Village Board and legal counsel, and no new reason has emerged that would justify taking away the permission that was granted following a fair hearing. To the contrary the current status has proven highly satisfactory.

We propose that this is not a matter of more regulation or less regulation, but rather a matter of smart regulation. Common sense tells us that if something has been working, if our street has been made safer and our neighborhood has increased its protection against crime and nuisance, that we should leave well enough alone. Common decency also dictates that a minor inconvenience to the many should never outweigh a threat and harm to the quality of life of the few.

Thank you for giving us this opportunity to comment,  
Sincerely,

Tomas J. Silber, M.D. and Rosita Silber

PS:

We use the opportunity to express our disappointment about the process that led to the formation/composition of the Ad hoc Committee. We think that the courtesy of an offer to join the committee should have been extended to a neighbor from the affected block. We are

uncomfortable with the committee's exclusion because of a prior experience with another parking committee, a few years ago, with a different chair. At that time a representative from our street volunteered to join the previous iteration of the parking committee, was accepted ...only to be told later, when she inquired about a meeting time, that the meetings had been held and the recommendations made. After that fiasco we expected that the next time around it would work better. Evidently it didn't. Once more we were not able to present our situation in any of the committee deliberations. For that reason we respectfully consider that the recommendations of the Ad Hoc Parking Committee are flawed.

Memorandum

To: Shana Davis –Cook, Village Manager

From: Peter and Heide Clark, 5503 Montgomery Street

Date: September 30, 2010

Subject: Parking Restrictions on Montgomery Street

Thank you for your letter of September 20, the Report of the Ad-hoc Parking Committee, and Chapter 14 of the Village Code on Permit Parking.

We have read the Report and Chapter 14 and respectfully disagree with the recommendation in the Report of revoke the parking by permit only restriction on the southwest side of Montgomery Street next to the Chevy Chase Shopping Center.

The reasons given by the Committee for its recommendation are as follows:

- 1) Concern with the notion of “privatizing” a section of a public street for the exclusive use of nearby residents;
- 2) Lack of evidence supporting assertions of parking congestion; and
- 3) Concern that the restriction would lead to a cascade of similar restrictions along other blocks and worsening congestion along unrestricted blocks.

Regarding these concerns and the petition from the 5400 block of Center Street for permit-only parking, the Committee concluded: “Thus by revoking the Montgomery Street restrictions and denying them to Center Street, the committee hoped the board would reject all further petitions with similar objectives.”

The arguments by the Committee underlying its recommendations are entirely inconsistent with Chapter 14 on Permit Parking, the whole point of which is to provide relief to those village residents who face the adverse effects of excessive traffic and parking in their neighborhood which is in close proximity to the commercial establishments and offices in the Friendship Heights central business district. This objective is clearly stated in Sec. 14 – Findings: “the Board of Managers finds that the health, safety and welfare of many residents of the Village may be adversely affected by the burdens placed on residents by virtue of nearby public and private facilities. Frequently, the use of streets with Village residential areas for parking by vehicles by commuters and other persons using adjacent commercial, industrial and transit areas or facilities results in hazardous traffic conditions....”

The traffic burden put on the southwest end of Montgomery Street was clearly excessive before the parking restriction was put into effect because this street is closest to the shops, offices and Metro on Wisconsin Avenue and other streets. Both residents of the Village and non-residents found it convenient to park for free at this end of Montgomery Street to

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do their errands. As a gateway to these facilities, this section of Montgomery Street experienced more traffic and parking congestion than other areas in the Village. This increased traffic posed a danger to residents on this half block and to pedestrians walking on the street, and particularly to children in the immediate area. (There are now two young children at 5500 Montgomery Street at the end of the street, and they would be particularly endangered if the current parking restriction were revoked.) In addition, the residents on this block were adversely affected by cars parked close together on both sides of the street, making it difficult for them and their guests to park in front of their houses. The density of the parked cars often made it difficult for us to enter and exit our driveway because some drivers parked right up to the edge of our driveway, in violation of the statute requiring a distance of five feet from a parked car to the edge of a driveway.

Since the parking restriction was put into effect at the meeting of the Board of Managers on June 16, 2008, the adverse traffic and parking situation caused by the gateway at the southwest end of Montgomery Street has been alleviated, with the adverse effect on other Village residents limited to not being able to park nearest to the pedestrian entrance to the Friendship Heights commercial area.. This was the intent of Chapter 14 of the Village Code on Permit Parking. If the restriction on parking at the western end of Montgomery Street were revoked, the entire force and function of Chapter 14 would be eliminated. This restriction has worked as intended and we see no justification for it to be revoked.

We have read the Board of Managers resolution adopted at the June 16, 2008, meeting as well as the police chief's report that the number of parked cars on the southwest portion of the 5500 block Montgomery Street was excessive. These two documents show conclusively that there was a significant parking and traffic problem on this part of Montgomery Street. In light of the fact that this problem has been satisfactorily resolved, we are puzzled and somewhat mystified why this issue has been reopened.

Finally, in their communication to you, our neighbors, Dr. and Mrs. Tomas Silber, have rightly raised the issue of the composition of the Ad-hoc Parking Committee. It is quite inappropriate that an invitation to join the Committee was not extended to a resident of the affected block of Montgomery Street. Such a member would have had the useful function of presenting to the Committee the arguments and evidence for maintaining the restriction. It would be helpful if you could provide us with an explanation why such an invitation was not provided.

To: Board of Managers  
Chevy Chase Village

From: Peter Kilborn  
Chair, Ad-Hoc Parking Committee

Subject: Appeal of 5400 Block of Center Street for permit-only parking and provisions of the Village parking ordinance.

The committee met on three occasions to consider the petition from the 5400 Block of Center Street for permit-only parking, a restriction similar to the permit-only parking allowed along the southern half of the 5400 Block of Montgomery Street, the part closest to Friendship Heights. The committee also considered changes in relevant sections of Chapter 14 of the Village Code covering parking regulations, and the role and legitimacy of the five parking zones of the West Village.

The composition, mandate, and participation of a shifting cast of committee participants did not permit the formulation of definitive recommendations regarding some of the questions the committee treated. But a sense of majority views emerged on many.

With respect to the primary issue raised by the board—a petition to limit parking on the 5400 block of Center Street to residents holding permits allowing unlimited parking within the six-block Zone 1—the committee was unanimous in its opposition. This view was consistent with the vast majority of 50-some letters from residents that the board received.

The primary objection concerned the notion of “privatizing” a section of a public street for the exclusive use of nearby neighbors. Objections were also raised because of a lack of evidence supporting assertions of parking congestion there. Finally there was concern that the restriction would lead to a cascade of similar restrictions along other blocks and worsening congestion along unrestricted blocks.

For those reasons, the committee also supported the revocation of the restrictions on Montgomery Street. The restrictions there were seen as setting a precedent that led to the Center Street petition. Thus by revoking the Montgomery Street restrictions and denying them for Center Street, the committee hoped the board would reject all further petitions with similar objectives.

In general the committee also agreed:

1. That the duration and hours of parking restrictions along blocks and in zones adopting them be uniform, with rare exceptions to be determined by the board. That is, the two-hour, 7 AM to 6 PM, Monday-thru-Saturday limitations should remain. Two hours has become a national standard based on an assumption that most errands can be performed

within two hours. There was some discussion of extending the uniform evening hour to 7 PM but no consensus. Along the 5400 block of Grove Street, the one closest to Friendship Heights, some residents contend that congestion occurs in the evening because of parking there by Friendship Heights restaurant workers and suggest that the evening limit be extended to 8 or 9 PM. Before adopting such a change, and to discourage a cascade or similar restrictions on nearby blocks, the board should require a rigorous survey of parking activity there.

2. Most existing exceptions, such as the 20-minute limit along West Lenox Street, which facilitates Post Office parking, should be retained. On the unit block of Grafton Street, a few members felt the four-hour limit, intended to accommodate weekday staff of All Saints' Church and its visitors should be reviewed.
3. It was also agreed that along blocks where parking is unrestricted—entirely in Zone 5, the area between Connecticut Avenue and Cedar Parkway and between Hesketh Street and West Melrose and West Lenox Streets—homeowners should be permitted to petition the board to adopt the two-hour limitation for drivers from outside the zone—or, having adopted it earlier—to revoke it. Some committee members thought a petition signed by two-thirds of the homeowners along a block should be required to adopt or revoke the restriction. Some felt 50 percent was sufficient. In cases of clear opposition to a petition, the board should require a survey of parking activity along the block in question and settle on a level of congestion to trigger or revoke the restriction.
4. Finally, the committee was unable to take up a late-arriving proposal from residents along the western two blocks of Hesketh Street but one that falls within the realm of common sense if perhaps had precedent. An exceptionally narrow street, parking is permitted only along one side. These residents propose an exception to the Village's required one-directional parking with bi-directional parking. This would allow those arriving from the wrong direction to parks rather than wrenching their cars around.

One issue that the board need not treat is that of the five parking zones. With respect to them, two notions of fairness came into conflict on the committee.

One view held that since all Village households pay taxes to the Village for construction and maintenance of roads, all should have equal parking access to all roads. The other view held that residents of the blocks closest to the Friendship Heights and Wisconsin Avenue commercial areas (parts of Zones 1, 3, and 4) suffer a disproportionate volume of parking by drivers from outside the three zones.



In an informal toll of participants attending the third meeting, six, mostly residents from outside the three zones, supported the first view—that all residents have equal access to all blocks. Four were opposed, and two abstained.

In essence, however, United States Supreme Court has resolved this dispute in favor of households that face disproportionate demand for parking near their homes. In October, 1977, in *Arlington County (VA) Board v. Richards*, the Court considered an Arlington County zoning ordinance (similar to one the Village adopted in 1998), that prohibited commuters from parking in designated residential neighborhoods and provided free parking permits of residents of those neighborhoods. The Court held that the ordinance did not violate the Equal Protection Clause of the Fourteenth Amendment and met the ordinance's objective of reducing adverse consequences of automobile commuting and enhancing the quality of life in residential neighborhoods.



September 20, 2010

Residents of the 5500 block of Montgomery Street:

At its January 11, 2010 meeting, the Chevy Chase Village Board of Managers created an ad hoc Permit Parking Committee to evaluate the existing Permit Parking Ordinance (enclosed) and how other communities have dealt with commuter and retail parking on residential streets. The Committee was also asked to review existing and proposed parking restrictions to see if they warranted further review.

The ad hoc Permit Parking Committee's Chair, Peter Kilborn, presented the Committee's recommendations to the Board at the Board's June 14, 2010 regular meeting. A copy of the committee's report is enclosed for your reference.

One of the Committee's recommendations is the revocation of the current "Permit-Holder Parking Only" restrictions along Montgomery Street between 5500 and 5506 on the even side of the street and between 5501 and 5509 on the odd side of the street. The Board will hold a Public Hearing at its October 11, 2010 regular meeting to consider this recommendation.

Pursuant to Chapter 14 of the Village Code, the Board must conduct a public hearing to discuss whether existing restrictions should be withdrawn. Within the coming weeks you will receive a public hearing notice and signs will be erected in the subject area announcing the Public Hearing. Residents may attend the hearing and/or submit letters for the record to:

Chevy Chase Village Board of Managers  
c/o Shana Davis-Cook, Village Manager  
5906 Connecticut Avenue  
Chevy Chase, MD 20815

In the interim, please feel free to contact me directly should you have any questions or need additional information.

Sincerely,

Shana R. Davis-Cook  
Manager, Chevy Chase Village

Enclosures

CHEVY CHASE VILLAGE  
5906 Connecticut Avenue  
Chevy Chase, Maryland 20815  
Phone (301) 654-7300  
Fax (301) 907-9721  
ccv@montgomerycountymd.gov  
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SHANA R. DAVIS-COOK  
*Village Manager*  
DAVID R. PODOLSKY  
*Legal Counsel*

## Chapter 14 PERMIT PARKING\*

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\*Cross reference(s)--Permit parking fee, § 6-2(b); motor vehicles and traffic, Ch. 13; stopping, standing and parking, § 13-7 et seq.  
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§ 14-1. Findings.

§ 14-2. Designation of areas.

§ 14-3. Criteria for designation.

§ 14-4. Notice of public hearing.

§ 14-5. Decision of Board of Managers.

§ 14-6. Implementation.

§ 14-7. Issuance of permits.

§ 14-8. Application for permit.

§ 14-9. Issuance of parking stickers.

§ 14-10. Issuance of guest cards.

§ 14-11. Fees.

§ 14-12. Penalties for violation.

§ 14-13. Severability.

### **Sec. 14-1. Findings.**

The Board of Managers finds that the health, safety and welfare of many residents of the Village may be adversely affected by the burdens placed on residents by virtue of nearby public and private facilities. Frequently, the use of streets within Village residential areas for parking of vehicles by commuters and other persons using adjacent commercial, industrial and transit areas or facilities results in hazardous traffic conditions; the overburdening of existing streets, roads and other facilities; air and noise pollution; litter and the difficulty or inability of residents of certain areas to obtain adequate parking adjacent to or close by their places of residence and to secure ease of access to their places of residence. In order to alleviate to the extent possible the aforementioned conditions, to foster the use of mass transit facilities and car pools, to preserve the value of the property, to preserve the residential character of the area and to promote the safety, peace, good order, comfort, convenience, health and welfare of the residents of the Village, the Board of Managers deems it essential that the parking permit authorization provided for in this section be enacted.

#### **Sec. 14-2. Designation of areas.**

The Board of Managers may designate, by written order the regulation of roads, streets and other areas within the Village in which the parking of vehicles may be restricted, in whole or in part, during certain specified times, to vehicles displaying valid parking stickers or guest cards issued pursuant to this section. The authority provided herein shall be in addition to, and may be exercised in conjunction with, any other authority the Board of Managers may have to regulate the times and conditions of motor vehicle parking.

#### **Sec. 14-3. Criteria for designation.**

The decision whether to designate a parking permit area (including the terms and conditions of any such designation) shall take into account, among other things:

- (a) The effect on the safety of residents of the area under consideration resulting from intensive use of such area by nonresidents for the parking of vehicles.
- (b) The need of the residents of the area to obtain adequate on-street parking adjacent to or close by their places of residence.
- (c) The difficulty or inability of residents of the area to secure adequate on-street parking adjacent to or close by their places of residence because of widespread use of the available parking spaces by nonresident, transient motorists. There shall be a rebuttable presumption that a condition of "difficulty or inability" exists when the average number of nonresident vehicles parked in the area, as shown by a survey or vehicle count taken by Village staff on two (2) separate days, is in excess of twenty-five (25) percent of the number of parking spaces on such streets and the total number of spaces actually occupied by vehicles exceeds seventy-five (75) percent of the number of such spaces.
- (d) The impact of major public facilities and programs on the health, safety and welfare of the residents of the area and any unreasonable burdens placed on those residents in securing adequate on-street parking and gaining access to their places of residence by virtue of such facilities and programs.
- (e) The likelihood of alleviating, by use of a parking permit system, any problem of non-availability of residential parking spaces.
- (f) The desire of the residents in the area for the institution of a parking permit system. This condition shall be deemed to have been met when two-thirds or more of the households in the area proposed for designation sign a petition requesting designation.
- (g) The fact that the residents of a contemplated parking permit area having contributed to the cost of construction, improvement and/or maintenance of streets and roads in such area either by the direct assessment of costs or indirectly to the extent such costs are reflected in taxes or purchase or rental prices paid by those residents.
- (h) Such other factors as the Board of Managers shall deem relevant.

For purposes of this subsection only, "residents" shall include churches, and government, quasi-governmental and other noncommercial entities.

(No. 6-02-98, 7-13-98)

#### **Sec. 14-4. Notice of public hearing.**

In order to determine whether a particular area or location should be designated as a parking permit area or whether such a designation already made should be withdrawn, the Board of Managers or its designee shall conduct a public hearing in conjunction with a regular or specially scheduled meeting of the Board of Managers at which time any interested person shall be entitled to appear and be heard. Such hearing shall be heard only after due notice has been published in the Village Crier. The notice shall clearly state the purpose of the hearing, the exact location and boundaries of the parking permit area under consideration, and the reasons why such area is being proposed for designation or withdrawal of designation as a parking permit area. In addition to the public notice, a similar notification shall be permanently published in the area under consideration for designation as a parking permit area.

#### **Sec. 14-5. Decision of Board of Managers.**

After giving the notice provided in section 14-4 hereof, the Board of Managers shall decide, at its regular meeting or at a special meeting scheduled by it, whether or not to designate the area under consideration as a parking permit area or to remove the designation in the case of an established parking permit area. The Board of Managers' decisions shall set forth the terms and conditions applicable to any such designation.

#### **Sec. 14-6. Implementation.**

Following the designation of a parking permit area by the Board of Managers, the Village Manager or his designee shall issue appropriate parking permits, stickers and guest cards, and shall cause parking signs to be posted in the area, indicating the times, locations and conditions under which parking shall be by permit only, and shall perform all other incidental acts necessary (including the preparation of permit forms) to implement the decisions of the Board of Managers. The parking signs placed in such areas shall be of such character as to inform readily an ordinary observant person of the existence of the rules and regulations imposing the foregoing restrictions. It shall be unlawful for any person to violate such rules and regulations.

#### **Sec. 14-7. Issuance of permits.**

Upon the decision of the Board of Managers to designate any area for restricted parking, permits shall be issued to the following:

- (a) Any resident of the area in which parking is so restricted, but not more than one permit per dwelling.
- (b) Churches, governmental, quasi-governmental and other noncommercial entities located within the Village but only upon the showing of special need.
- (c) Persons who reside in the Village outside the particular area but only upon the showing of special need.

Provided, however, the parking prohibitions of this section shall not apply to service or delivery vehicles, which are being used to provide services or make deliveries to dwellings in the area.

#### **Sec. 14-8. Application for permit.**

Any person or entity desiring to obtain a parking permit shall show to the Village Manager or his designee satisfactory evidence that he fulfills all the conditions of obtaining such a permit. Whenever the

conditions for issuance no longer exist, the person holding a permit shall surrender it to the Village Manager or his authorized representative. It shall be unlawful for any person to represent that he is entitled to such a permit when he is not so entitled, to fail to surrender a permit to which he is no longer entitled, or to park a vehicle displaying a parking sticker or guest card at any time when the holder of such is not entitled to it. Permits issued hereunder shall be valid for a twelve-month period and may be renewed upon expiration provided the conditions for issuance continue to exist. Permits shall be nontransferable.

#### **Sec. 14-9. Issuance of parking stickers.**

The Village Manager or his designee shall issue to each permit holder one parking sticker for every vehicle owned or regularly used by the permit holder; provided, however, that no parking sticker shall be issued to an entity holding a parking permit.

#### **Sec. 14-10. Issuance of guest cards.**

The Village Manager or his designee shall issue to each permit holder one guest card entitling a vehicle to park in a permit area. Churches and governmental, quasi-governmental and other noncommercial entities located within the Village which demonstrate a special need for a greater number of guest cards shall be given such allotment of guest cards as the Board of Managers or its designee shall deem appropriate. Each such guest card shall be marked with the address of the household or name of the entity to which it has been issued. In addition, upon request to the Village Manager or his designee by any resident of a permit parking area and showing that additional guest cards are temporarily required for a social function or other legitimate purpose, the Village Manager or his designee shall issue to such resident without fee, the required number of guest cards, provided that such cards shall be valid for one day only. Residents of the parking permit area, who hold parking permits and who have bona fide visitors will be issued a guest card to be valid for a stated period not to exceed thirty (30) days, provided that no more than three (3) such guest cards shall be outstanding for any one household for any one time. Notwithstanding anything hereinabove provided for, no guest card shall be valid for longer than the duration of the permit under which the guest card is issued. All guest cards shall be displayed in the vehicle so as to be clearly visible from the outside of the vehicle.

#### **Sec. 14-11. Fees.**

The Board of Managers shall determine from time to time the fees to be charged for the issuance of parking permits, parking stickers and guest cards. The fees and any penalties collected hereunder will be utilized to defray the administrative costs of administering the program and the cost of procuring new signs and their installation.

**Cross reference(s)**--Fine for violation of this section, § 6-5(cc).

#### **Sec. 14-12. Penalties for violation.**

The parking of any vehicle or the use of any parking permit or guest card in a manner contrary to the provisions established by the Board of Managers pursuant to this Chapter is prohibited and the same is hereby declared to be a municipal infraction subject to such prosecution and penalties as are provided in Chapters 5 and 6 of this Code. In addition, any vehicle parked in violation of this Chapter may be towed with all costs incurred in connection with the towing and storage of the vehicle to be paid by the owner of said vehicle.

(No. 9-3-95, 9-18-95)

**Cross reference(s)**--Fine for violation of this section, § 6-3(b.1A).

**Sec. 14-13. Severability.**

The provisions of this chapter are severable and if any provision, sentence, clause, or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses or parts of the chapter or their application to any other persons or in other circumstances. It is hereby declared to be the legislative intent that this chapter would have been adopted if such an illegal, invalid, or unconstitutional provision, sentence, clause or part had not been included therein, and if the person or circumstances to which this chapter or any part hereof is inapplicable had been specifically exempted herefrom.